

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TIMOTHY COBLE,

Plaintiff,

v.

PETER DAMITER, et al.,

Defendants.

No. 3:11-cv-1276

(JUDGE CAPUTO)

(MAGISTRATE JUDGE CARLSON)

ORDER

NOW this 6^{7th} day of August, 2012, upon review of Magistrate Judge Carlson's Report and Recommendation (Doc. 27) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation is **ADOPTED**.
- (2) Defendants' Motion for Summary Judgment (Doc. 20) is **GRANTED** with respect to Defendants Kephardt, Kevalchick, and Sackett;
- (3) Defendants' Motion for Summary Judgment is **GRANTED** with respect to Plaintiff's Fourteenth Amendment claim;
- (4) Defendants' Motion for Summary Judgment is **DENIED** as to Plaintiff's Eighth Amendment failure-to-protect claims; and
- (5) This case shall be placed on the **November 2012** trial list. A pretrial scheduling order will follow.



A. Richard Caputo
United States District Judge